

FILED^{P. 1}

JAN 10 2008

OA 91 Criminal Complaint

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

WD

EDUARDO ENRIQUES CARVAJAL
(a/k/a Eduardo Enrique Carvajal-Barragan, a/k/a Eduardo Gomez,
a/k/a Carlos Barragan, a/k/a Gerald Rico Canning, a/k/a Pablo
Angelos Ramon, a/k/a Eduardo Enrique Barragan, a/k/a Eduardo
Enrique Carvajal)

Case Number: 4 - 08 - 70013

(Name and Address of Defendant)

EDL

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about December 18, 2007 in Contra Costa County, in the Northern District of California defendant(s) did,

(Track Statutory Language of Offense)

an alien having been previously deported from the United States, was found in Contra Costa County in the State and Northern District of California, without having obtained express consent for re-application for admission from either the Attorney General of the United States or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4) and 557)

in violation of Title 8 United States Code, Section(s) 1326

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
See Attached Affidavit incorporated herein by reference.

Maximum Penalties: 20 years imprisonment; \$250,000.00 fine; 3 years supervised release and \$100 special assessment.

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No

Approved

As To Bryan R. Whitaker
Form: AUSA

Bryan R. Whitaker

Polly E. Kaiser
Polly E. Kaiser, Deportation Officer, ICE
Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

Date

Jan 10, 2008

at San Francisco, California

City and State

Elizabeth D. Lepert

U.S. Magistrate Judge

Name & Title of Judicial Officer

Elizabeth D. Lepert
Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I. INTRODUCTION

1. My name is Polly E. Kaiser, and I have been a Deportation Officer with the U. S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), formerly the United States Department of Justice (DOJ), Immigration and Naturalization Service (INS), for approximately four years. I am currently assigned under the Field Office Director, San Francisco, California (FOD/SF) in the Detention and Removal Operations (DRO) division. I am presently attached to the Prosecutions Unit of the Criminal Alien Program, a group that is responsible for enforcing federal criminal statutes involving criminal aliens who reenter the United States illegally.

2. As set forth below, I believe that probable cause exists to support a complaint against EDUARDO ENRIQUES-CARVAJAL (a/k/a Eduardo Enrique Carvajal-Barragan, a/k/a Eduardo Gomez, a/k/a Carlos Barragan, a/k/a Gerald Rico Canning, a/k/a Pablo Angelas Ramos, a/k/a Eduardo Enriques Barragan, a/k/a Eduardo Enrique Carajal) for a violation of Title 8, United States Code 1326. The facts set forth in this Affidavit are based on my review of the official Immigration Service file (A75 270 347) of ENRIQUES-CARVAJAL, my personal observations, my training and experience, and information related to me by other law enforcement officials. However, the facts set forth in this Affidavit are not all facts related to ENRIQUES-CARVAJAL that are known to me.

II. STATEMENT OF PROBABLE CAUSE

3. EDUARDO ENRIQUES-CARVAJAL is a 48 year-old male who is a native and citizen of Mexico, who last entered the United States illegally by crossing the international border with Mexico on or about July 1, 2005 via Nogales, Arizona, and knowingly remained in the United States without first having obtained the consent to reapply for admission from the Attorney General of the United States or the United States Secretary of Homeland Security.

4. The official Immigration Service file for ENRIQUES-CARVAJAL contains two executed Warrants of Removal. The Warrants of Removal are dated June 14, 2000 and March 25, 2003, when ENRIQUES-CARVAJAL was deported from the United States to Mexico at Nogales, Arizona on both occasions.

5. On or about December 18, 2007, ENRIQUES-CARVAJAL was released into the custody of Immigration and Customs Enforcement (ICE) from Contra Costa County Jail.

6. Also, on or about December 18, 2007, Immigration Enforcement Agent Joshua Lind interviewed ENRIQUES-CARVAJAL at the Immigration and Customs Enforcement District Office in San Francisco, California. After Agent Lind advised ENRIQUES-CARVAJAL of his Miranda rights and the right to speak with the consular or diplomatic officers of his country of

citizenship, ENRIQUES-CARVAJAL waived those rights and provided a sworn statement that his true and correct name is EDUARDO ENRIQUE CARVAJAL-BARRAGAN, that he was born in Mexico and is a citizen of Mexico. He admitted that he had previously been removed from the United States, that he entered the United States on July 1, 2005 through Nogales. He further admitted that he did not apply for or receive permission to re-enter the United States after his last deportation.

7. ENRIQUES-CARVAJAL was in possession of a Mexican Passport in the name of Eduardo Enrique Carvajal-Barragan when he came into the custody of Immigration and Customs Enforcement on or about December 18, 2007.

8. On or about December 18, 2007, ENRIQUES-CARVAJAL'S fingerprints and photos were submitted into the Auto Biometric Identification System ("IDENT"). IDENT information confirmed ENRIQUES-CARVAJAL'S identity under Fingerprint Identification Number ("FINS") 6694619.

9. On or about December 27, 2007, a full set of rolled fingerprints taken on or about December 18, 2007 and a set of fingerprints taken from ENRIQUES-CARVAJAL'S official immigration file were submitted to the Integrated Automated Fingerprint Identification System, ("IAFIS"), for verification of identity. On the same day, the fingerprint examiner positively identified the fingerprints submitted as belonging to the same ENRIQUES-CARVAJAL who was previously removed from the United States.

10. There is no indication in the official files of the United States Immigration and Customs Enforcement that the defendant has applied for, or been granted, the requisite permission to re-enter the United States from either the Attorney General of the United States or the Secretary for Homeland Security. Further, in his sworn statement, ENRIQUES-CARVAJAL admitted that he had not applied to the Department of Homeland Security for permission to re-enter the United States after deportation.

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III. CONCLUSION

11. On the basis of the above information, I submit that there is probable cause to believe that EDUARDO ENRIQUES-CARVAJAL, illegally reentered the United States following deportation, in violation of Title 8, United States Code, Section 1326.



Polly E. Kaiser
Deportation Officer U.S. Department of Homeland
Security
U.S. Immigration and Customs Enforcement
San Francisco, California

Subscribed and sworn to before me this 10 day of January 2008.



The Honorable Elizabeth D. Laport
United States Magistrate Judge
Northern District of California
San Francisco, California